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June 13, 1996

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

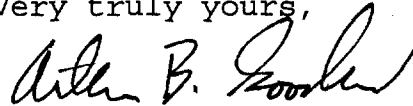
MM 97-122

Dear Mr. Caton:

Transmitted herewith, on behalf of Gerard A. Turro, in connection with applications for consent to assignment of the licenses for FM translator stations W276AQ, Fort Lee, New Jersey and W232AL, Pomona, New York (File Nos. BALFT-960531TW and BALFT-960531TX, respectively), are an original and four copies of his "Motion for Extension of time to File Opposition."

In the event you have any questions regarding this matter, please contact me.

Very truly yours,

960531TW


Arthur B. Goodkind

Enclosure

cc (w/enc.): Richard A. Helmick, Esq.
Roy J. Stewart, Esq.
Norman Goldstein, Esq.
Stephen Barone
Charles W. Kelley, Esq.

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JUN 13 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re the Application of
GERARD A. TURRO
FM Translator Stations W276AQ,
Fort Lee, NJ, and W232AL,
Pomona, NY
For Assignment of Licenses
To: Chief, Mass Media Bureau

) MM 97-122
)
) 96
) File Nos. BALFT-950531TW
) BALFT-950531TX
) 96
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MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION

Gerard A. Turro ("Mr. Turro"), by his attorneys, hereby moves for an extension of time within which to file his opposition to the "Petition to Deny" filed against the above-captioned applications by Universal Broadcasting of New York, Inc. ("Universal").

Mr. Turro respectfully requests an extension of time until the later of (a) July 15, 1996, which is three business days after the July 10 cut-off date for the filing of petitions to deny the above-captioned applications, if no further petitions are in fact filed by the cut-off date or (b) July 24, 1996, in the event any further petition is filed against the above-captioned applications by the cut-off date. July 24 would be the normal opposition due date pursuant to Section 1.45(a) of the

rules with respect to any petition filed on the July 10 cut-off date and served by mail.

The above-captioned assignment applications were filed on May 31, 1996 and were listed on an FCC Public Notice issued June 10, 1996 as accepted for filing. The cut-off date for the filing of petitions to deny pursuant to Section 73.3584(a) of the Rules is therefore July 10, 1996. Pursuant to Section 309(b) of the Communications Act, no action may be taken with respect to the applications until after July 10.

Universal's petition to deny was filed on June 7, 1996, even before the thirty-day cut-off period for petitions to deny had begun to run. It cannot be known at this point whether any additional petitions will be filed on or before the July 10 cut-off date.

Under these circumstances, the extension of time requested above should be granted. First, the extension would promote administrative efficiency by reducing the potential number of separate filings in this matter and by enabling the Commission to consider one unified opposition filing by Mr. Turro dealing with all allegations concerning the assignment applications. Second, an extension would permit Mr. Turro to consider all matters raised by all petitioners in formulating a unified response that could, for example, include representations as to future conduct designed to satisfy objections made by all petitioners. Finally, an extension would maintain consistency with the policies

underlying the FCC's normal petition to deny procedures, which contemplate an initial petition, an opposition, and a reply, with the reply strictly limited to matters raised in the opposition. Were Mr. Turro required to submit seriatim responses to multiple petitioners (all likely to have a common economic interest with that claimed by Universal), such a procedure would result in precisely the type of rebuttal, surrebuttal, further surrebuttal pleading chain that the Rules are specifically designed to prevent.

The extension requested here would not cause material delay in considering Mr. Turro's applications. The applications may not be acted upon prior to July 10 in any event, and Mr. Turro will file his opposition within three business days of that date if no additional petitions are filed. Should other filings be made on the cut-off date, Mr. Turro's alternative extension request provides for the filing of his opposition on the date specified in the Commission's Rules. Accordingly, Commission action would not be materially delayed by a grant of this Motion.

For the reasons set forth above, we request that an extension of time for the filing of Mr. Turro's opposition to Universal's petition be granted until the later of (a) July 15, 1996, if no further petitions are filed by the July 10 cut-off date with respect to the above-captioned applications, or (b)

July 24, 1996, in the event any further petition is filed against the above-captioned applications by the cut-off date.

Respectfully submitted

GERARD A. TURRO

By Arthur B. Goodkind
Arthur B. Goodkind
KOTEEN & NAFTALIN, L.L.P.
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20036

June 13, 1996

CERTIFICATE OF SERVICE

I, Phillis Merriett, a secretary in the law offices of Koteen & Naftalin, hereby certify that true copies of the foregoing "Motion for Extension of Time to File Opposition" have been served upon the following via first-class, postage prepaid, United States mail, this 13th day of June 1996:

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Phillis Merriett

*By hand delivery